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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,689	01/04/2002	Gerd Eisenblatter	87307.00025	7795
30734	7590	02/22/2006		
BAKER & HOSTETLER LLP WASHINGTON SQUARE, SUITE 1100 1050 CONNECTICUT AVE. N.W. WASHINGTON, DC 20036-5304			EXAMINER SHAKERI, HADI	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/019,689

Applicant(s)

EISENBLATTER, GERD

Examiner

Hadi Shakeri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

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**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 15 are rejected under 35 U.S.C. 103(a) as obvious over Muller (DE 89 04 270) in view of anyone of Ashworth (86,123), Volz (2,646,940) or Donahue (249,909).

Muller discloses all the limitations of claim

1, i.e., grinding belt having a first end and a second end, with releasable shape-mated connection

device on said ends to form an endless belt (18-

21), in which the Shape-mated connection device is

formed with a recess with a closed edge (18) on

said first end and a counter piece (19) on said

second end, the counter piece is at least as wide as the width of the grinding belt containing the

recess (19 same width as the belt end 3), and the recess is symmetrical

about a center line axis running parallel to the grinding belt, the recess

having a longitudinal axis that runs parallel to long sides of the

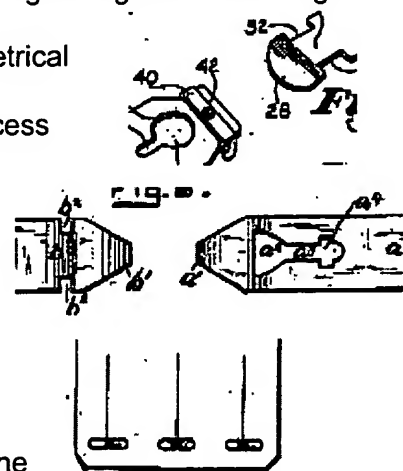
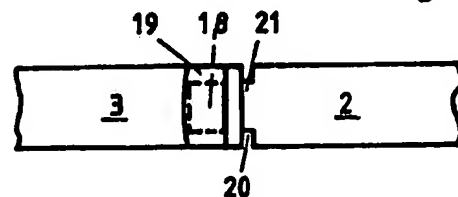
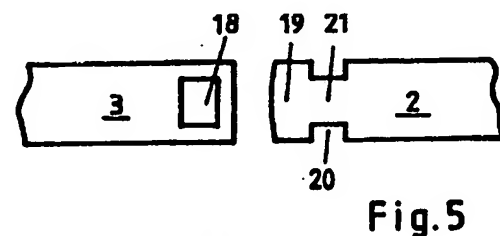
grinding belt, except for the recess to be designed as an

elongated hole whose length corresponds roughly to a width of

the grinding belt and in that the elongated hole has a first and a

second region, in which an expansion in a transverse direction of the

grinding belt, of the first region is greater than the expansion of the second region, and in that



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the first region faces said first end of the belt and the second region faces away from said first end. Key-hole shaped recesses in connection devices are well known as taught and evident by Volz, Donahue and Ashworth, wherein a narrower section (in form of a slit, Ashworth, or wider, Volz and Donahue) with a wider region on top are designed to facilitate the ease locking and unlocking of the recesses with the corresponding counterpieces.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to reconfigure the hole (18) of Muller to have a length nearly equal to the width of the head as taught by anyone of Volz, Donahue or Ashworth in enhancing the operation in that the head passes freely through the hole providing an easier and faster connection.

With regards to claim 2, Key-hole shaped connection as disclosed by the teaching references may include substantially rectangular (Ashworth), triangular (Donahue) or round configurations, choosing any one of which is considered obvious to one of ordinary skill in the art, depending on the workpiece/operational parameters, e.g., cost.

Regarding claim 15, Muller is silent with respect to the type of abrasive. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use glass filament for abrasive, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

3. Claims 3-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over PA (Muller in view of anyone of Volz, Donahue and Ashworth) as applied to claims 1 and 2 above, and further in view of Smith (2,361,506).

Prior art as applied to claims 1 and 2, meets all the limitations of the above claims except for disclosing a coated stiffened end region. Smith teaches stiffening the end regions of the interconnecting device, col. 2, lines 30-44. It would have been obvious to one of ordinary

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skill in the art, at the time the invention was made, to further modify the modified invention of the prior art by coating the ends as taught by Smith for stiffening the ends for durability.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art Muller in view of anyone of Volz, Donahue and Ashworth) as applied to claim 1 above, and further in view of Horton (2,413,325).

Prior art as applied to claim 1, meets all the limitations of the above claims except for disclosing a double-sided belt glued together. Horton an abrasive article having abrasives on both sides of the flexible sheet material (01:1-3). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified invention of the prior art by providing double-ended belt as taught by Horton so that when one side is worn it could be reversed to make the other side available.

### ***Response to Arguments***

5. Applicant's arguments filed 12/08/05 have been fully considered but they are not persuasive.

Applicant argues that the independent claim 1, recites a number of features that are not present in the references whether are taken singularly or in combination, and then states while the primary reference, Muller, does disclose an endless belt the others don't, and that elongated hole whose length corresponds roughly to a width of the belt, and a counter piece that is at least as wide as the width of the belt, as well as elongated hole having first region wider than a second region is not disclosed by Muller, this is not found persuasive since it is piecemeal analysis of the references. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413,

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208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, all of the teaching references disclose fast and easy means of joining, connection or assembly/disassembly of two ends.

In response to applicant's argument that the teaching references are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, all the teaching references, Ashworth, Volz, and Donahue, are concerned with the particular problem of easy assembly/disassembly of the connecting ends.

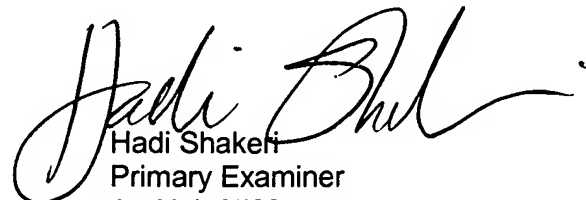
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While the counter piece of Volz is not as wide as the width of the belt, the teaching form Volts, i.e., keyhole connection, applied to Muller (counter piece as wide as the belt), would meet the claim as recited. And regarding different shape of the hole recited in the independent claim 2, as indicated above, different configuration of the keyhole shape is obvious modification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail, III can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hadi Shakeri  
Primary Examiner  
Art Unit 3723

hs  
February 20, 2006